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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,126	09/27/1999	ROBERT W. BOSSEMEYER JR.	8285/314	2323
757	7590	10/06/2003	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60611			BORISOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Saw

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/407,126	BOSSEMEYER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Igor Borissov	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 July 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-12,14-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-12,14-19 and 21-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 5-8, 10, 14-17 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcott (US 6,324,273) in view of Panizzon et al. (US 4,219,700).**

Alcott teaches a method and system for ordering a telecommunication service, comprising:

As per claims 1, 10, 17 and 24-26,

inquiring in a first transaction about a first telecommunication feature unavailable to a first party of a telecommunication network (column 2, lines 28-37; column 3, line 62 through column 4, line 4);

in accordance with the inquiring in the first transaction, storing a first data structure which identifies the first party of the telecommunication network and the first telecommunication feature unavailable to the first party (column 2, lines 28-37; column 3, line 41 through column 4, line 4); *C. S., P. 48 - 53*

after storing the first data structure, inputting availability data which indicates an availability of the first telecommunication feature to a portion of the telecommunication network which serves the first party (column 3, line 62 through column 4, line 4); *C. S., P. 62 - C. 4. P. 4.*

Art Unit: 3629

processing the first data structure and the availability data to determine that the first telecommunication feature has become available to the first party (column 4, lines 15-25).

Alcott does not specifically teach that inputting said availability data, which indicates an availability of the first telecommunication feature to a portion of the telecommunication network serving the first party, is occurring after completion of the first transaction.

Panizzon et al. teach a method and system for partyline subscriber interface circuit, wherein a telephone service subscriber, after he inquired for a telecommunication feature, said feature was unavailable for the subscriber, and after he completed the inquiry, and after the processing the availability of said feature, was informed that said feature had become available to him (column 2, lines 48-54; column 9, line 57 - column 10, line 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alcott to include that inputting said availability data, which indicates an availability of the first telecommunication feature, is occurring after completion of the first transaction, because it would improve the customer service of the service providers by allowing subscribers to inquire for the desired feature only once.

Also, Alcott teaches:

As per claim 5, said method and system, comprising, prior to inputting the availability data, receiving a call from the first party, and informing in the call that the

first telecommunication feature is unavailable to the first party (column 1, lines 11-33; column 3, line 41 through column 4, line 4).

As per claims 6-7, 14-15 and 21-22, said method and system, wherein the first telecommunication feature comprises a telecommunication service or product (column 1, lines 6-7; column 3, line 41 through column 4, line 4; column 4, lines 15-25).

As per claims 8, 16 and 23, said method and system, wherein the telecommunication network comprises a telephone network (column 1, line 62 through column 2, line 12).

**Claims 2-3, 9, 11-12 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcott and Panizzon et al.**

As per claims 2, 11 and 18, Alcott and Panizzon et al. teach said method and system, except for storing a second data structure which identifies a second party of the telecommunication network and the first telecommunication feature unavailable to the second party before inputting the availability data.

It would have been an obvious matter of design choice to modify Alcott and Panizzon et al. to include any number of parties of said telecommunication network because it appears that the claimed features does not distinguish the invention over similar features in the prior art, and the teachings of Alcott and Panizzon et al. would perform the invention as claimed by the applicant with any number of parties.

Also, Alcott and Panizzon et al. teach:

As per claims 3, 12 and 19, said method and system, comprising storing a second data structure which identifies a second party of the telecommunication network

and a second telecommunication feature unavailable to the second party before inputting the availability data, (Alcott: column 2, lines 28-37; column 3, line 41 through column 4, line 4);

- processing the second data structure and the availability data to determine that the second telecommunication feature remains unavailable to the second party (Alcott: column 4, lines 15-25).

As per claim 9, said method and system, comprising:

- inputting availability data which indicates an availability of the first telecommunication feature to a portion of the telecommunication network which serves the first party but not the third party (Alcott: column 3, line 62 through column 4, line 4);

- processing the first data structure, the second data structure, the third data structure, and the availability data to determine that the first telecommunication feature has become available to the first party but remains unavailable to the third party (Alcott: column 4, lines 15-20).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

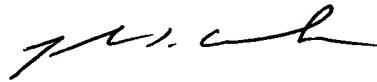
**Commissioner of Patents and Trademarks**  
**Washington D.C. 20231**

or faxed to:

(703) 872-9306 [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

IB



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